



Appeal Decision

Site visit made on 5 February 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/F3545/W/23/3330681

Land off Church Road, Pinford End, Hawstead IP29 5PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Woollard against the decision of West Suffolk Council.
 - The application Ref DC/23/0036/FUL, dated 22 December 2022, was refused by notice dated 23 June 2023.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the appeal form rather than the application form as it more clearly identifies the site location.
3. During the appeal, the Government published an updated version of the National Planning Policy Framework (the Framework). However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

4. The main issues are whether the site would be a suitable location for this proposal, having regard to the development plan, the accessibility of services and facilities and the character and appearance of the area.

Reasons

5. The Council has confirmed that the appeal site is located outside of any defined settlement boundary, and therefore in open countryside for the purposes of the development plan. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February 2015 (DMPD) relates to development in the countryside. Amongst other criteria, where development in the countryside will be permitted, criteria f. states that a new or extended building will be permitted, in accordance with other policies within the Plan where it is for small scale residential development of a small undeveloped plot, in accordance with policy DM27 of the DMPD.

6. Policy DM27 of the DMPD states that proposals for new dwellings will be permitted in the countryside subject to satisfying two criteria. Firstly, that the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway and secondly, that the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.
7. With regard to the first criteria set out under Policy DM27 of the DMPD, there is a group of more than 10 dwellings that front onto Church Road and Bull Lane in Pinford End that form a closely knit cluster of existing dwellings.
8. Whilst the existing dwelling, The Firs, is located adjacent to the north, the appeal site abuts a glamping site which comprises a stable building and an open grass field to the south. The stable building does not form part of the cluster in the terms of Policy DM27, given that it is not an existing dwelling.
9. I acknowledge that tents are sited on the land behind the appeal site during the glamping season, however, these are set back from the road and not of permanent or substantial construction. The separation distance between the stable building and The Firs is significant meaning spatially the stable building would not be part of the close knit cluster in any case. As a result, the appeal site lies adjacent to the existing cluster of dwellings rather than within it.
10. Turning now to the second criteria. I accept that the existing development along Church Road is made up of detached properties in more spacious plots, reflecting the rural character of the area. The proposal would reflect the low density pattern of development in this rural location. However, the proposed plot would appear to have a wider frontage onto Church Road than those it would be located adjacent to. The significant separation distance between The Firs and the stable building to the south, means that the appeal site would not represent a small plot within an otherwise continuous built up frontage.
11. Therefore, whilst the appeal site is undeveloped, has frontage onto Church Road along its eastern boundary and the proposal would provide one dwelling, it would not be within a closely knit cluster of 10 or more existing dwellings nor would it represent the infilling of a small plot within an otherwise continuous built up frontage.
12. I have not been made aware of any services, facilities or access to public transport within Pinford End and I did not witness any during my site visit. I saw a Public Right of Way (PRoW), adjacent to the southwestern boundary of the appeal site that leads to Bull Lane. However, there are no separate pavements along Church Road or Bull Lane that future occupants could use to walk to facilities and services nearby. Whilst cycling may be an option for some, given the narrowness of the roads and the lack of lighting, it would not be a suitable option for many.
13. I recognise that the appeal site is not significantly removed from the edge of Bury St Edmunds where there is a significant range of services and facilities provided. Nevertheless, given the rural nature of the road network around the appeal site and the distance that would need to be travelled, it is likely that future occupants would travel by private vehicle to access those services and facilities.

14. Therefore, although the appeal site would not be isolated in the terms of the Framework given its proximity to other existing buildings, future occupants of the appeal site would be likely to be reliant on the private car to access day to day needs.
15. The appeal site comprises an undeveloped roughly triangular shaped grass field which is bound on all sides by well-established vegetation. It has an existing access and frontage onto Church Road along the eastern boundary. Adjacent to the north are existing dwellings that front onto Church Road. The design and appearance of existing dwellings within Pinford End vary, although they tend to be two storey in height. To the south is a stable building located within a glamping site. Directly to the east and beyond the boundaries of the glamping site is agricultural land. The appeal site is distinctly rural in character which contributes positively to the character and appearance of the area. The Council state that the appeal site is located within a Special Landscape Area.
16. The appeal site forms the rural setting for the group of buildings that make up Pinford End. The provision of a single dwelling would alter the character of the site changing it from an open and spacious field of rural character to a developed site in residential use. The principle of introducing residential development on to the site would be incongruous within its immediate rural landscape. The proposal would permanently erode the positive contribution that the appeal site makes to the rural landscape character.
17. In isolation, whilst the proposed dwelling and detached garage would result in a dwelling of a different design to others in the area, it would add to the varying character and appearance of dwellings located within Pinford End rather than detract from them. It would reflect a low density development which is characteristic of the rural area. Nevertheless, these factors would not be sufficient to mitigate the harmful effect set out above.
18. I therefore conclude that the proposal would not be a suitable location for a new dwelling, having regard to the development plan and the accessibility of services and facilities. It would also be harmful to the character and appearance of the area. The proposal is therefore contrary to policies DM2, DM5, DM13, DM22 and DM27 of the DMPD. These policies seek, amongst other things, to protect the quality and character of the countryside and the surrounding area and where possible enhance the character of the landscape. The proposal is also contrary to paragraph 128 of the Framework which seeks, amongst other things, to ensure decisions promote sustainable travel modes that limit future car use.
19. The latter part of Policy DM27 of the DMPD refers to the fact that permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene. Whilst I have found harm to the character and appearance of the rural area, the proposal would not undermine a visually important gap. The proposal would therefore not be contrary to this policy in respect of character and appearance issues. Nevertheless, this does not outweigh the harm that I have found above.
20. The Council's decision notice refers to paragraph 80 (now paragraph 84) of the Framework. However, as stated above I do not consider the appeal site to be isolated for the purposes of the Framework test. The proposal would therefore not be contrary to this part of the Framework. Nevertheless, this does not outweigh the conflict that I have identified.

Other Matters

21. I have been referred to an appeal decision at Moat Farm where Policy DM27 was considered. I do not have all of the details before me to make a full comparison to the appeal proposal. Nevertheless, from reading the appeal decision, it appears as though the Inspector in that case considered the site to be within a reasonably tight cluster. From the aerial photograph provided that identifies that other appeal site, it appears to be situated in very close proximity to built form to both the north and south, which is a different context to the appeal proposal before me.
22. I recognise that the appellant used to live and work in close proximity to the appeal site and retains links to the local community. Whilst I understand the wishes of the appellant to return to the area, this would be a private benefit, worthy of limited weight in support of the proposed development.
23. I understand that there was planning permission for a dwelling on the appeal site some considerable time ago but that this permission lapsed and that there have been applications for a dwelling made in more recent times that have been refused. Be that as it may, I must deal with this appeal on its individual merits, based on the policies set out in the current development plan.
24. The proposal would provide a new dwelling built to modern standards that would contribute to the housing supply. I accept that there would be some social benefit from the provision of a dwelling and a minor economic benefit during the construction phase and through future occupants spending in the local area. Nevertheless, given the limited scale of the proposal, these benefits would not outweigh the harm I have set out above.
25. The appellant asserts that there would be no detrimental impact on the amenities of neighbouring residents or on highway safety. Given the separation distances and the use of the existing access, I find no reason to disagree in these respects. Nevertheless, a lack of harm is a neutral consideration and does not weigh for nor against the proposal.
26. A Preliminary Ecological Appraisal (PEA) has been submitted which demonstrates that subject to avoidance and mitigation measures, the proposal would not be likely to have an adverse effect on ecology and biodiversity. Suggestions for enhancements are also included in the PEA which could be secured by condition. Given the scale of the scheme the enhancement measures would represent only a limited benefit.

Conclusion

27. The proposal conflicts with the development plan policies set out above and therefore would not constitute sustainable development. The proposal is therefore also contrary to Policy DM1 of the DMPD in this regard. Consequently, the proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR